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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,428	03/15/2007	Ofer Mandelboim	MANDELBOIM2	1715
	7590 04/01/200 D NEIMARK, P.L.L.C	EXAMINER		
624 NINTH ST		NATARAJAN, MEERA		
SUITE 300 WASHINGTON, DC 20001-5303			ART UNIT	PAPER NUMBER
			1643	
			MAIL DATE	DELIVERY MODE
			04/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, PROM THE MAILING DATE OF THIS COMMUNICATION. Entensient of the many's available under the provisions of 37 CF1 13/61, into event, however, may any'by be timely filled. # 10 Deprod for reply is appeclied above, the maintain situation prondor will apply and will expire SIX (3) MONTH'S from the mailing date of this communication. ## 17 Paint or reply within the set or received period for priving with the set or received period for privingly received by the Existent but the maintain statutor period will apply and will expire SIX (3) MONTH'S from the mailing date of this communication. ## 18 Paint or reply within the set or received period for privingly will by statuke, cause the application in Cost of CF11 13/61). ## 18 Paint or reply within the set or received by the Cf12 is a state of this communication, swen if timely filed, may reduce any search period into an application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. ## 18 Paint or replaced by the Existent of Paint of Paint and Paint of Paint and Paint		Application No.	Applicant(s)				
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DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-10, 12, 15-19, drawn to an isolated peptide fragment of a natural cytotoxicity receptor of natural killer cells, active fragments, analogs or derivatives thereof and a pharmaceutical composition comprising said peptide.

Group II, claim(s) 23, 24, 27, drawn to an antibody.

Group III, claim(s) 31-35, drawn to a method of targeting a tumor cell in a subject in need thereof.

Group IV, claim(s) 39, drawn to a method of identifying peptides derived from natural cytotoxicity receptors.

2. The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Claim 1 is drawn to an isolated peptide fragment of a natural cytotoxicity receptor of natural killer cells, active fragments, analogs or derivatives thereof. In view of this, Mandelboim et al. (WO/2002/008287) teach fragments of NKp44, NKp30 and NKp46 or active fragments thereof, further comprising a cytotoxic moiety, an imaging moiety or an Ig fragment, pharmaceutical compositions thereof and antibodies that block binding of the NKp44,

NKp30 and NKp46 receptors to molecules on the surface of target cells, including tumor cells. Therefore, the technical feature recited in Claim 1 is not novel.

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

NCR: NKp44, NKp30, NKp46

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a). The following claim(s) are generic: Claims 5, 16, and 32.

4. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The species have different structures and functions.

5. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

- 6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 7. The examiner has required restriction between product and process claims.

 Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder.

 All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to

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be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. Failure to do so may result in a loss of the right to rejoinder. Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEERA NATARAJAN whose telephone number is (571)270-3058. The examiner can normally be reached on Monday-Thursday, 9:30AM-7:00PM, ALT. Friday. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MN

/Larry R. Helms/ Supervisory Patent Examiner, Art Unit 1643